

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff

v.

ANTHONY PELAYO,

Defendant.

CASE NO. CR18-217RSM

ORDER DENYING DEFENDANT
PELAYO'S MOTION TO COMPEL
PRODUCTION OF WITNESS & EXHIBIT
LISTS

This matter comes before the Court on Defendant Anthony Pelayo's Motion to Compel Production of Witness & Exhibit Lists. Dkt. #511.

The Scheduling Order in this case, cited by Defendant Pelayo, states that "[t]he government is to produce its witness list and exhibit list related to its case-in-chief; the government is to produce Jencks Act, Rule 26.2, and Giglio impeachment materials, including information relating to known non-testifying declarants under Fed.R.Evid. 806 (if any), three weeks before trial." Dkt. #389 at 2. Next to that entry is the date August 18, 2020. That date was based on a September 8, 2020, trial date. The Scheduling Order explicitly states "[i]f the trial date is continued, these dates will be reset by the equivalent number of days or weeks in advance of the new trial date." *Id.* at 3.

1 Trial has now been set for June 21, 2021. Dkt. #611. The deadline above has now been
2 extended to three weeks prior to this new trial date—May 31, 2021. Accordingly, the relief
3 requested by Defendant is inconsistent with the Court’s Scheduling Order and unwarranted at
4 this time.

5 The Court notes that given its own communications to all parties cited in Defendant
6 Pelayo’s briefing and the circumstances at the time, Defendant understood that the trial date
7 would be continued when the instant Motion was filed. The deadline at issue was explicitly tied
8 to the trial date. The motivation for the instant Motion appears to have been gamesmanship rather
9 than a genuine belief that the witness and exhibit lists were past-due. The Court expects more
10 from experienced counsel.
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12 Having reviewed the briefing, along with the remainder of the record, the Court hereby
13 finds and ORDERS that the Defendant Anthony Pelayo’s Motion to Compel Production of
14 Witness & Exhibit Lists, Dkt. #511, is DENIED.
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16 DATED this 25th day of February, 2021.
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19 RICARDO S. MARTINEZ
20 CHIEF UNITED STATES DISTRICT JUDGE
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